

REMARKS

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, Claims 1-8 have been cancelled, and Claims 9-11 have been added.

Based on the foregoing amendments and the following remarks, the application is deemed in condition for allowance, and the action to that end is respectfully requested.

The Examiner rejected claims 1-8 under 35 U.S.C. § 102(e) as being anticipated by Danssaert et al., U.S. Patent No. 6,054,263 (Danssaert '263). As noted above, claims 1-8 have been cancelled. It is respectfully submitted that claims 9-11 are patentable over Danssaert '263.

Specifically, claim 9 recites that the providing step includes providing a laboratory tempering device in which:

- (i) sample receptacles are arranged in a two-dimensional array formed of rows and columns; and
- (ii) the array is divided in a plurality of areas each capable of producing either a temperature gradient or a uniform temperature; and

- (iii) the tempering step includes producing, in each of the successive steps, the temperature gradient in a different area.

The novel features of the present invention are not disclosed in Danssaert '263. Danssaert '263 discloses a tempering device formed of four arrays (blocks). Further, in Danssaert '263, only one and the same block is capable of producing a temperature gradient, the other blocks are uniform-temperature blocks (column 6, lines 13-19) (Fig. 3).

Further, because a temperature gradient is produced only in one block, in each step, the temperature gradient is produced in the same block. According to the invention, in all the areas of the array, in each successive step, a different temperature is produced (the step temperatures being related to the steps), and in each step, a different area makes the gradient. This means that in each step only one of the areas makes the gradient. Therefore, gradients can be produced at all temperature levels (step temperatures). When the steps are repeated, in each of the steps the gradient is produced in the same area.

This is not at all possible with Danssaert '263. In Danssaert '263 a gradient can be produced only in one of the step temperatures. If the operator wants to optimise also the other step temperatures, he has to re-run the procedure choosing

the only one gradient block for a different step temperature. The inventive method permits to optimise all step temperatures in one run of the tempering device.

From the foregoing, it clearly follows that the present invention is not anticipated by or is made obvious over Danssaert '263, and claim 9 is patentable over Danssaert '263.

Claims 10-11 depend on claim 9 and are likewise allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects, in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the

Examiner is invited to telephone the undersigned.

Respectfully submitted,



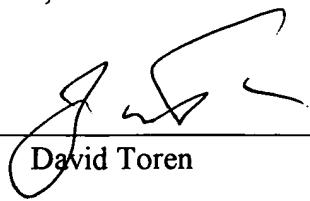
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 14, 2004.



David Toren